

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 2597 of 2019

Arising Out of PS. Case No.-46 Year-2011 Thana- KATORIYA District- Banka

1.

Mohan Ravidas Son of Late Santu Ravidas Resident of Village- Barfera, P.S.- Katoriya, Distt.- Banka.
2.

Lodha Ravidas Son of Late Santu Ravidas Resident of Village - Barfera, P.S.- Katoriya, Distt - Banka.
3.

Raju Ravidas @ Raju Das Son of Late Santu Ravidas Resident of Village - Barfera, P.S.- Katoriya, Distt - Banka.
4.

Mahendra Das Son of Tipan Ravidas @ Shivan Das @ Shivan Ravidas Resident of Village - Barfera, P.S.- Katoriya, Distt - Banka.
5.

Shivan Das @ Shivan Son of Late Rangel Das Resident of Village - Barfera, P.S.- Katoriya, Distt - Banka.
6.

Moti Das @ Moti Ravidas Son of Late Rangel Das @ Late Jangal Das Resident of Village - Barfera, P.S.- Katoriya, Distt - Banka.
7.

Chutari Das @ Chhutari Ravidas Son of Shavan Das @ Shivan Ravidas Resident of Village - Barfera, P.S.- Katoriya, Distt - Banka.
8.

Rinku Das Son of Shivan Das @ Shivan Ravidas Resident of Village - Barfera, P.S.- Katoriya, Distt - Banka.
9.

Ganesh Ravidas Son of Karu Das Resident of Village - Barfera, P.S.- Katoriya, Distt - Banka.
10.

Kamdev Ravidas @ Kamdeo Ravidas Son of Dineshwar Ravidas Resident of Village - Barfera, P.S.- Katoriya, Distt - Banka.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Brij Nandad Prasad, Adv.
For the Respondent/s : Mrs. Abha Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

622-10-2024

Heard learned counsel for the appellants and learned A.P.P. for the State.

2. The present appeal has been filed against the judgment and order dated 14.05.2019 by which the appellants

have been convicted under Section 307/34 of the I.P.C. and sentenced to R.I. for ten years and further to pay a fine of Rs.5,000/- in default of payment of fine, further sentenced R.I. for one month. The appellants were further sentenced to serve R.I. for seven years under Section 325/34 of the I.P.C. and further sentenced to serve two years under Sections 147 and 504/34 of the I.P.C. respectively. They were also sentenced for one year R.I. under Section 323 of the I.P.C., six months R.I. under Section 337/34 of the I.P.C. and for a period of one month under Section 341/34 of the I.P.C. passed by the learned P.O. F.T.C.-I, Banka in Sessions Trial No. 1085 of 2011, Trial No. 130 of 2018.

3. Learned counsel for the appellants, at the very outset, does not challenge the judgment and order of conviction and he limits his argument to the punishment awarded to them.

4. Learned counsel for the appellants submits that the appellants have remained in custody after conviction for more than nine months. It is further submitted that the appellants are not habitual offender and this is the first offence committed by them.

5. In view of the aforesaid submission and considering the period of custody already undergone, this appeal

is partly allowed by modifying the sentence. The sentence to undergo rigorous imprisonment for the aforementioned period and the amount of fine are modified to that of the period already undergone by the appellants.

(Sandeep Kumar, J.)

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